

Practitioner's Docket No. U 013039-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jesus Prieto VALTUENA, et al
Serial No.: 09/674,445 Group No.: 1647
Filed: November 1, 2000 Examiner.: Jegatheesan Seharaseyon
For: UTILIZATION OF INTERFERON ALPHA 5 IN THE TREATMENT OF VIRAL
HEPATOPATHIES

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. 1.191)**

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed
January 26, 2005, finally rejecting claims 11-13 and 16-22.

The item(s) checked below are appropriate:

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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Date: February 24, 2005

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JANET I. CORD

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(Notice of Appeal from the Primary Examiner to Board—page 1 of 4) 9-6

04/01/2005 FMETEK11 00000012 120425 09674445

01 FC:2401 250.00 BA
02 FC:2253 510.00 DA

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Adjustment Date: 10/03/2005 SDIRET01
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PATENT

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US PATENT & TRADEMARK
OFFICE

In re application of: Jesus Prieto VALTUENA
Serial No.: 09/674,445 Group No.: 1614
Filed: November 1, 2000 Examiner.: Jegatheesan Seharaseyon
For: UTILIZATION OF INTERFERON ALPHA 5 IN THE TREATMENT OF VIRAL
HEPATOPATHIES

Attorney Docket No.: U 013039-2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Deposit Account 12-0425 was charged, small entity, \$250.00 for Notice of Appeal
(Fee Code 2401), and \$510.00 for a three month extension of time (Fee Code 2253) on April
1, 2005 (Control Nos. 12 & 13).

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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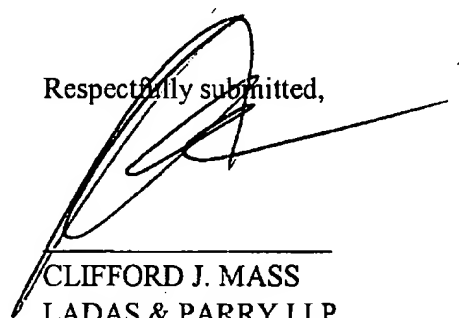
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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

However, the fees for the Notice of Appeal and the three month extension of time were paid at the time of filing on February 24, 2005 by check no. 052445 for \$760.00. A copy of both sides of this cancelled check is attached.

Therefore, refund of the total charges of \$760.00 by credit to Deposit Account 12-0425 is requested.

Respectfully submitted,



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